

United States District Court

For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GOOD TECHNOLOGY CORPORATION AND) Case No. 5:12-cv-05826-PSG
GOOD TECHNOLOGY SOFTWARE, INC.,)
Plaintiffs,) **AMENDED FINAL VERDICT FORM**
v.)
MOBILEIRON, INC.,)
Defendant.)

VERDICT FORM

When answering the following questions and filling out this verdict form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the jury instructions. Please refer to the jury instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

Part A. GOOD TECHNOLOGY'S FALSE ADVERTISING CLAIM

1. Has Good Technology proven by a preponderance of the evidence that
2 MobileIron made a false or misleading statement of fact in a commercial
3 statement about the nature or quality of Good Technology's products, services, or
4 commercial activities?

9
10 Yes _____ No _____

- 11 2. Has Good Technology proven by a preponderance of the evidence that
12 MobileIron caused the false or misleading statement to enter interstate
13 commerce?

14 Yes _____ No _____

15 If your answer to both Questions 1 and 2 is "Yes," then please proceed to Question 3. If your
16 answer to either Question 1 or 2 is "No," proceed directly to Part B.

- 17 3. Has Good Technology proven by a preponderance of the evidence that any such
18 statement was deliberately false?

19 Yes _____ No _____

20 If your answer to Question 3 is "Yes," then please proceed to Question 4. If your answer to
21 Question 3 is "No," proceed directly to Question 5.

- 22 4. Has MobileIron shown there is evidence that the false statement did not deceive
23 a substantial segment of MobileIron or Good Technology's consumers and that
24 there is evidence that the false statement did not likely influence the purchasing
25 decisions of these consumers?

26 Yes _____ No _____

27 If your answer to Question 4 is "Yes," then please proceed to Question 5. If your answer to
28 Question 4 is "No," proceed directly to Question 7.

5. Has Good Technology proven by a preponderance of the evidence both that the false or misleading statement actually deceived or had a tendency to deceive a substantial segment of MobileIron or Good Technology's consumers and that the false or misleading statement likely influenced the purchasing decisions of these consumers?

Yes

No

If your answer to Question 5 is “Yes,” then please proceed to Question 6. If your answer to Question 5 is “No,” proceed directly to Part B.

6. Has Good Technology proven by a preponderance of the evidence that the false or misleading statement caused Good Technology to be damaged by a diversion of sales or loss of goodwill?

Yes

No

If your answer to Question 6 is “Yes,” then please proceed to Question 7. If your answer to Question 6 is “No,” proceed directly to Part B.

7. What amount of damages has Good Technology proven are attributable to MobileIron's false or misleading statement?

Total Damages: \$

8. Has MobileIron proven by a preponderance of the evidence that Good Technology made false or misleading representations related to the subject matter of its false advertising claim to an extent that it would be unfair to allow Good Technology to enforce its claim?

Yes

No

Please proceed to Part B.

Part B. INFRINGEMENT OF GOOD TECHNOLOGY'S PATENTS**Direct Infringement**

3. Has Good Technology proven by a preponderance of the evidence that
 4. MobileIron's use or sale directly infringes the asserted claims of Good
 Technology's patents?

5. For each claim and accused product, please place a check under either 'YES' (in
 6. favor of Good Technology) or 'NO' (in favor of MobileIron).

Asserted Claims	MobileIron Core (VSP)		MobileIron Cloud (Anyware)	
'219 patent	YES	NO	YES	NO
Claim 9	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Claim 14	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Claim 18	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Claim 23*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
'322 patent	YES	NO	YES	NO
Claim 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Claim 12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
'386 patent	YES	NO	YES	NO
Claim 8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Claim 9	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

18. * **Note:** For the above table, you can only find claim 23 of the '219 patent infringed if
 19. you already found claim 18 infringed.

20. If you have found that MobileIron infringed a valid claim of Good Technology's '386 patent,
 21. proceed to Question 10. Otherwise, please proceed directly to Part C.

Special Findings on Infringement Relating to Good Technology's '386 Patent

22. 10. If you have found that MobileIron infringed a valid claim of Good
 23. Technology's '386 patent, upon what feature or functionality did you base your
 24. finding? **[Check all that apply.]**

- 25. _____ Root Detection (Android)
- 26. _____ Out of Contact VSP (Android/iOS)
- 27. _____ Out of Contact Anyware (iOS)

28. Please proceed to Part C.

1 **Part C. INVALIDITY OF GOOD TECHNOLOGY'S PATENTS**

2 **Invalidity Based On Prior Art**

3 11. Has MobileIron proven by clear and convincing evidence that any of the
 4 following asserted claims of Good Technology's patents are invalid as
 anticipated?

5 For each claim, please place a check next to either 'YES' (in favor of
 6 MobileIron) or 'NO' (in favor of Good Technology).

7 Asserted Claims	8	9	10
11 '219 patent	12 YES	13 NO	14
Claim 9	<input type="checkbox"/>	<input type="checkbox"/>	
Claim 14	<input type="checkbox"/>	<input type="checkbox"/>	
Claim 18*	<input type="checkbox"/>	<input type="checkbox"/>	
Claim 23	<input type="checkbox"/>	<input type="checkbox"/>	
11 '322 patent	12 YES	13 NO	14
Claim 1	<input type="checkbox"/>	<input type="checkbox"/>	
Claim 12	<input type="checkbox"/>	<input type="checkbox"/>	
13 '386 patent	14 YES	15 NO	16
Claim 8	<input type="checkbox"/>	<input type="checkbox"/>	
Claim 9	<input type="checkbox"/>	<input type="checkbox"/>	

15 * **Note:** For the above table, if you find claim 23 of the '219 patent invalid, you must also
 16 find claim 18 invalid.

1 12. Has MobileIron proven by clear and convincing evidence that any of the
 2 following asserted claims of Good Technology's patents are invalid as obvious?
 3

4 For each claim, please place a check next to either 'YES' (in favor of
 5 MobileIron) or 'NO' (in favor of Good Technology).

Asserted Claims	YES	NO
'219 patent	YES	NO
Claim 9	<input type="checkbox"/>	<input type="checkbox"/>
Claim 14	<input type="checkbox"/>	<input type="checkbox"/>
Claim 18*	<input type="checkbox"/>	<input type="checkbox"/>
Claim 23	<input type="checkbox"/>	<input type="checkbox"/>
'322 patent	YES	NO
Claim 1	<input type="checkbox"/>	<input type="checkbox"/>
Claim 12	<input type="checkbox"/>	<input type="checkbox"/>
'386 patent	YES	NO
Claim 8	<input type="checkbox"/>	<input type="checkbox"/>
Claim 9	<input type="checkbox"/>	<input type="checkbox"/>

6 * **Note:** For the above table, if you find claim 23 of the '219 patent invalid, you must also
 7 find claim 18 invalid.

8 **Invalidity Based On Written Description**

9 13. Has MobileIron proven by clear and convincing evidence that any of the
 10 following asserted claims of Good Technology's patents are invalid for lacking
 11 an adequate written description of the claimed invention?

12 For each claim, please place a check next to either 'YES' (in favor of
 13 MobileIron) or 'NO' (in favor of Good Technology).

Asserted Claims	YES	NO
'386 patent	YES	NO
Claim 8	<input type="checkbox"/>	<input type="checkbox"/>
Claim 9	<input type="checkbox"/>	<input type="checkbox"/>

14 If your answer to Question 9 is "No" as to all claims, please proceed to Part E. If all claims are
 15 invalidated by your answers to Questions 11, 12 or 13 (or any combination thereof), please proceed
 16 to Part E. Otherwise, please proceed to Part D.

Part D. DAMAGES ON GOOD TECHNOLOGY'S PATENTS

14. What has Good Technology proven it is entitled to as a reasonable royalty for any infringement of Good Technology's patents?

Total Royalty: \$ _____

15. What type of royalty has Good Technology proven that it is entitled to, if any, for any infringement of Good Technology's patents?

One-time payment (lump sum)

Running royalty

Please proceed to Part E.

Part E. INFRINGEMENT OF MOBILEIRON'S '016 PATENT

Direct Infringement

16. Has MobileIron proven by a preponderance of the evidence that Good Technology's use or sale directly infringe the asserted claims of the MobileIron patent?

For each claim, please place a check under either 'YES' (in favor of MobileIron) or 'NO' (in favor of Good Technology).

Asserted Claims			
'016 patent		YES	NO
Claim 1		<input type="checkbox"/>	<input type="checkbox"/>
Claim 3*		<input type="checkbox"/>	<input type="checkbox"/>
Claim 4*		<input type="checkbox"/>	<input type="checkbox"/>
Claim 15		<input type="checkbox"/>	<input type="checkbox"/>
Claim 16*		<input type="checkbox"/>	<input type="checkbox"/>
Claim 18*		<input type="checkbox"/>	<input type="checkbox"/>

- * **Note:** For the above table, you can only find claims 3 and 4 infringed if you already found claim 1 infringed. Similarly, you can only find claims 16 and 18 infringed if you already found claim 15 infringed.

Induced Infringement

17. Has MobileIron proven by a preponderance of the evidence that each of the following requirements is met and that each occurred after March 1, 2013:

- a) acts are actually carried out by Good Technology's customers that directly infringe one or more claims of MobileIron's patent;
 - b) Good Technology knowingly took action specifically intending to cause the infringing acts by its customers;
 - c) Good Technology was aware of the MobileIron patent; and
 - d) Good Technology knew that the acts, if taken, would constitute infringement of that patent, or Good Technology believed there was a high probability that the acts, if taken, would constitute infringement of the MobileIron patent but deliberately avoided confirming that belief?

For each claim, please place a check under either 'YES' (in favor of MobileIron) or 'NO' (in favor of Good Technology).

Asserted Claims			
'016 patent		YES	NO
Claim 1		<input type="checkbox"/>	<input type="checkbox"/>
Claim 3*		<input type="checkbox"/>	<input type="checkbox"/>
Claim 4*		<input type="checkbox"/>	<input type="checkbox"/>
Claim 15		<input type="checkbox"/>	<input type="checkbox"/>
Claim 16*		<input type="checkbox"/>	<input type="checkbox"/>
Claim 18*		<input type="checkbox"/>	<input type="checkbox"/>

- * **Note:** For the above table, you can only find claims 3 and 4 infringed if you already found claim 1 infringed. Similarly, you can only find claims 16 and 18 infringed if you already found claim 15 infringed.

Contributory Infringement

18. Has MobileIron proven by a preponderance of the evidence that each of the following requirements is met and that each occurred after March 1, 2013:

- a) direct infringement of MobileIron's patent by a Good Technology customer;
 - b) Good Technology sells, offers to sell, or imports within the United States a component that is used to practice an asserted claim;
 - c) the component constitutes a material part of the claimed invention;
 - d) the component has no substantial, noninfringing use; and
 - e) Good Technology was aware of the patent and knew that there was no substantial, noninfringing use for the component?

For each claim, please place a check under either 'YES' (in favor of MobileIron) or 'NO' (in favor of Good Technology).

Asserted Claims		
'016 patent	YES	NO
Claim 1	<input type="checkbox"/>	<input type="checkbox"/>
Claim 3*	<input type="checkbox"/>	<input type="checkbox"/>
Claim 4*	<input type="checkbox"/>	<input type="checkbox"/>
Claim 15	<input type="checkbox"/>	<input type="checkbox"/>
Claim 16*	<input type="checkbox"/>	<input type="checkbox"/>
Claim 18*	<input type="checkbox"/>	<input type="checkbox"/>

- * **Note:** For the above table, you can only find claims 3 and 4 infringed if you already found claim 1 infringed. Similarly, you can only find claims 16 and 18 infringed if you already found claim 15 infringed.

Please proceed to Part F.

1 **Part F. INVALIDITY OF MOBILEIRON'S '016 PATENT**

2 **Invalidity Based On Prior Art**

3 19. Has Good Technology proven by clear and convincing evidence that any of the
 4 following asserted claims of MobileIron's patent are invalid as anticipated?

5 For each claim, please place a check next to either 'YES' (in favor of Good
 6 Technology) or 'NO' (in favor of MobileIron).

7 Asserted Claims	8	
9 '016 patent	10 YES	11 NO
12 Claim 1*	<input type="checkbox"/>	<input type="checkbox"/>
13 Claim 3	<input type="checkbox"/>	<input type="checkbox"/>
14 Claim 4	<input type="checkbox"/>	<input type="checkbox"/>
15 Claim 15*	<input type="checkbox"/>	<input type="checkbox"/>
16 Claim 16	<input type="checkbox"/>	<input type="checkbox"/>
17 Claim 18	<input type="checkbox"/>	<input type="checkbox"/>

18 * **Note:** For the above table, if you find claim 3 or 4 invalid, you must also find claim 1
 19 invalid. Similarly, if you find claim 16 or 18 invalid, you must also find claim 15
 20 invalid.

20. Has Good Technology proven by clear and convincing evidence that any of the following asserted claims of MobileIron's patent are invalid as obvious?

For each claim, please place a check next to either 'YES' (in favor of Good Technology) or 'NO' (in favor of MobileIron).

Asserted Claims		
'016 patent	YES	NO
Claim 1*	<input type="checkbox"/>	<input type="checkbox"/>
Claim 3	<input type="checkbox"/>	<input type="checkbox"/>
Claim 4	<input type="checkbox"/>	<input type="checkbox"/>
Claim 15*	<input type="checkbox"/>	<input type="checkbox"/>
Claim 16	<input type="checkbox"/>	<input type="checkbox"/>
Claim 18	<input type="checkbox"/>	<input type="checkbox"/>

- * **Note:** For the above table, if you find claim 3 or 4 invalid, you must also find claim 1 invalid. Similarly, if you find claim 16 or 18 invalid, you must also find claim 15 invalid.

If your answer to Questions 16, 17 and 18 is "No" as to all claims, stop here, answer no further questions, and have the foreperson sign and date this form. If all claims are invalidated by your answers to Questions 19 or 20 (or any combination thereof), stop here, answer no further questions, and have the foreperson sign and date this form. Otherwise, please proceed to Part G.

Part G. DAMAGES ON MOBILEIRON'S '016 PATENT

21. What has MobileIron proven it is entitled to as a reasonable royalty for any infringement of MobileIron's patent?

Total Royalty: \$

22. What type of royalty has MobileIron proven that it is entitled to, if any, for any infringement of MobileIron's patents?

One-time payment (lump sum)

Running royalty

1 Dated: _____

2 _____
3 PRESIDING JUROR

4 After this verdict form has been signed and dated, notify the court that you are ready to present
5
6 your verdict in the courtroom.

7 **SO ORDERED.**

8 Dated: July 31, 2015

9 
10 PAUL S. GREWAL
11 United States Magistrate Judge